

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DENNIS RAY BROCK,

Plaintiff,

v.

3:05-cv-351

BOBBY GIBSON and BARBARA ROGERS,

Defendants.

MEMORANDUM AND ORDER

This *pro se* prisoner's civil rights action brought pursuant to 42 U.S.C. § 1983 is scheduled for a jury trial on October 13, 2006. Plaintiff filed this action during his confinement in the Morgan County Jail; the action concerns an alleged denial of medical treatment for the problem with plaintiff's left eye. The matter is before the court on various motions filed by the plaintiff.

Plaintiff has filed a motion for the defendants to produce his medical records from the Morgan County Jail [Court File No. 24] and a motion for release of his medical records from the Morgan County Jail [Court File No. 33]. These motions are **GRANTED** to the extent the defendants are **ORDERED** to bring plaintiff's medical records with them to the trial of this matter, for the use of all parties.

Plaintiff moves the court "to get 6 of my witnesses [sic] statements from each witness as they take the witness stand." It is not clear what relief plaintiff is seeking with this motion and the motion [Court File No. 25] is **DENIED**.

Plaintiff has filed a motion for appointment of counsel. The appointment of counsel in a civil case is a matter within the discretion of the court. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987). After careful consideration of plaintiff's motion, including the type and nature of the case, its complexity, and the plaintiff's ability to prosecute his claim, this court is of the opinion that counsel is not necessary at this time to insure that plaintiff's claims are fairly heard. *See Knop v. Johnson*, 977 F.2d 996 (6th Cir. 1992); *Mira v. Marshall*, 806 F.2d 636 (6th Cir. 1986). Plaintiff's motion for appointment of counsel [Court File No. 26] is **DENIED**.

E N T E R:

s/ Thomas W. Phillips
United States District Judge